

# HOUSE BILL No. 4909

July 18, 2013, Introduced by Reps. Irwin, Zemke, Singh, Dillon, Hobbs, Tlaib, Faris, Townsend, Schor, Segal, McCann, Lipton, Hovey-Wright, Slavens, Switalski, Robinson, Barnett, Roberts, Knezek, Geiss and Greimel and referred to the Committee on Judiciary.

A bill to amend 1846 RS 83, entitled  
 "Of marriage and the solemnization thereof,"  
 by amending sections 2, 3, and 9 (MCL 551.2, 551.3, and 551.9),  
 sections 2 and 3 as amended by 1996 PA 324; and to repeal acts and  
 parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        Sec. 2. ~~So far as its validity in law is concerned, marriage~~  
 2        **MARRIAGE** is a civil contract between a man and a woman, to which  
 3        ~~the~~ **2 INDIVIDUALS. TO BE LEGALLY VALID, consent TO MARRIAGE of BY**  
 4        parties capable in law of contracting is essential. Consent alone  
 5        is not enough to effectuate a legal marriage on and after January  
 6        1, 1957. Consent shall be followed by obtaining a license as  
 7        required by section 1 of ~~Act No. 128 of the Public Acts of 1887,~~  
 8        ~~being section 551.101 of the Michigan Compiled Laws 1887 PA 128,~~

1 ~~MCL 551.101, or as provided for by UNDER section 1 of Act No. 180~~  
 2 ~~of the Public Acts of 1897, being section 551.201 of the Michigan~~  
 3 ~~Compiled Laws 1897 PA 180, MCL 551.201, and solemnization as~~  
 4 ~~authorized by sections 7 to 18. of this chapter.~~

5       ~~Sec. 3. A man shall not marry his mother, sister, grandmother,~~  
 6 ~~daughter, granddaughter, stepmother, grandfather's wife, son's~~  
 7 ~~wife, grandson's wife, wife's mother, wife's grandmother, wife's~~  
 8 ~~daughter, wife's granddaughter, brother's daughter, sister's~~  
 9 ~~daughter, father's sister, mother's sister, or cousin of the first~~  
 10 ~~degree, or another man.~~ **AN INDIVIDUAL SHALL NOT MARRY ANY OF THE**

11 **FOLLOWING:**

- 12       **(A) A PARENT.**
- 13       **(B) A SIBLING.**
- 14       **(C) A GRANDPARENT.**
- 15       **(D) A SON OR DAUGHTER.**
- 16       **(E) A GRANDCHILD.**
- 17       **(F) A STEPPARENT.**
- 18       **(G) THE SPOUSE OF A GRANDPARENT.**
- 19       **(H) THE SPOUSE OF A SON OR DAUGHTER.**
- 20       **(I) THE SPOUSE OF A GRANDCHILD.**
- 21       **(J) A PARENT-IN-LAW.**
- 22       **(K) A GRANDPARENT-IN-LAW.**
- 23       **(L) A STEPCHILD.**
- 24       **(M) A STEP-GRANDCHILD.**
- 25       **(N) THE CHILD OF A SIBLING.**
- 26       **(O) THE SIBLING OF A PARENT.**
- 27       **(P) A COUSIN OF THE FIRST DEGREE.**

1           Sec. 9. In the solemnization of marriage, no particular form  
2 shall be required, except that ~~the parties~~ **EACH PARTY** shall  
3 solemnly declare, in the presence of the person solemnizing the  
4 marriage and the attending witnesses, that ~~they take each~~ **HE OR SHE**  
5 **TAKES THE** other as ~~husband and wife, and in every case, there shall~~  
6 ~~be~~ **HIS OR HER SPOUSE. TO BE LEGALLY VALID**, at least 2 ~~witnesses~~  
7 **INDIVIDUALS**, besides the person solemnizing the marriage, **SHALL BE**  
8 present **AS WITNESSES** at the **MARRIAGE** ceremony.

9           Enacting section 1. Sections 1 and 4 of 1846 RS 83, MCL 551.1  
10 and 551.4, are repealed.

11           Enacting section 2. This amendatory act does not take effect  
12 unless Senate Bill No. \_\_\_\_ or House Bill No. 4910 (request no.  
13 02488'13 a \*) of the 97th Legislature is enacted into law.

14           Enacting section 3. This amendatory act does not take effect  
15 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution V  
16 (request no. 01021'13) of the 97th Legislature becomes a part of  
17 the state constitution of 1963 as provided in section 1 of article  
18 XII of the state constitution of 1963.